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SENSITIVE
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TAGS: PREL PHUM MARR PGOV NG

SUBJECT: NIGER: MINISTRY OF FOREIGN AFFAIRS RESPONSE TO
EMBASSY'S DIPLOMATIC NOTE ON HUMAN RIGHTS CONCERNS

REF: A. NIAMEY 364 (NOTAL)

¶B. NIAMEY 226

¶1. (U) Following is an unofficial English translation of the Government of Niger (GON) Ministry of Foreign Affairs Diplomatic Note Number 3413 (dated 19 May 2008), in response to U.S. Embassy Niamey Diplomatic Note Number 36, related to allegations of human rights abuses conducted by Nigerien military personnel against civilians in the conflict in northern Niger.

¶2. (SBU) Begin Text.

The Ministry of Foreign Affairs and Cooperation of the Republic of Niger presents its compliments to the Embassy of the United States of American in Niamey and, in reference to its Diplomatic Note Number 36, dated 26 February 2008, concerning the human rights situation in northern Niger, has the privilege to inform the Embassy of the following:

The operations in course in northern Niger are progressing in strict respect of international humanitarian law and the laws and regulations of the Republic.

Certainly, the Embassy should be aware that in ongoing conflicts in inhabited zones, it is difficult to avoid collateral damage.

The Nigerien Armed Forces (FAN), in their mission to guarantee integrity of the national territory and the security of persons and goods, takes every effort to minimize, in fact, totally avoid incidents of damage.

Thus, since the proclamation of the state of alert in the region of Agadez, the High Commander of the National Police Force who concurrently exercises the functions of the administrative, judicial and military police, has firmly instructed the Commander of the Agadez Legion to remember that the state of alert does not in any respect free officers or active agents from fully respecting in any location and in every circumstance human rights recognized and protected by the laws in force.

Also, the Commander of the operations in the north has been firmly instructed that troops engaged in an operation must be partnered with a detachment of the National Police Force, so that a report may be made in case of incidents involving civilians.

The result is that all acts of the Judicial Police (questioning, interrogation, custody, search or seizure) through the registering by the officers or agents of the National Judicial Police are in conformity with the rule of law.

Finally, the Embassy should be assured that in alleged cases of abuse the Nigerien military Commander has never hesitated to take appropriate measures, including taking disciplinary actions before the competent jurisdictional authorities.

With regard to all the above, and sensationalism that generally surrounds these kind of situations, the competent Nigerien authorities consider that all the various reports from news journals and other human rights organizations are mainly based on rumor rather than verified facts, with date, time, name of victim and credible witnesses.

Moreover, it should be noted that armed bandits, who operate in the same terrain, proceed with all sorts of acts against the civilian population that are unjustly blamed on the defense and security forces.

The Ministry would appreciate the Embassy's particular attention and willingness to transfer the elements of this response to the competent authorities in its country.

The Ministry of Foreign Affairs and Cooperation thanks the Embassy of the United States of America in Niamey for its kind collaboration and avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

End text.

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